

GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405

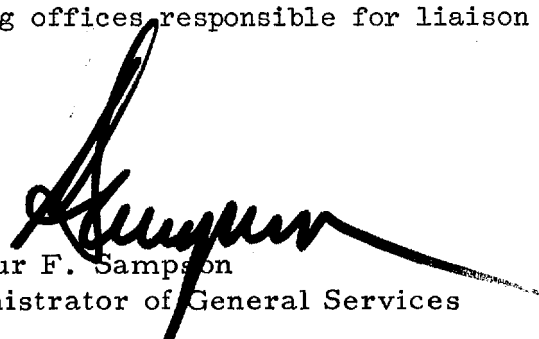
August 1, 1972

FEDERAL PROPERTY MANAGEMENT REGULATIONS
AMENDMENT B - 22

TO : Heads of Federal Agencies

SUBJECT: Revision of Subchapter B - Archives and Records

1. Purpose. This amendment transmits revised pages to Subchapter B- Archives and Records Service.
2. Effective date. This regulation is effective upon publication in the Federal Register.
3. Background. Executive Order 11652, Classification and Declassification of National Security Information and Material, of March 8, 1972 (37 F.R. 5209, March 10, 1972), and in the National Security Council Directive Governing the Classification, Downgrading, Declassification, and Safeguarding of National Security Information, of May 17, 1972 (37 F.R. 10053, May 19, 1972) establish new procedures for the downgrading and declassification of national security information and provide procedures for members of the public to request access to such materials.
4. Explanation of changes. This regulation implements the public access and mandatory review and declassification policies and procedures prescribed in Executive Order 11652 and the implementing National Security Council Directive by:
 - a. Informing the public of procedures to be followed in requesting the declassification of national security information or materials transferred to the custody of the National Archives and Records Service (NARS);
 - b. Informing Federal agencies and the public of the procedures NARS and other Federal agencies will follow in processing such requests; and
 - c. Requiring Federal agencies to furnish NARS with copies of regulations or other instructions implementing Executive Order 11652 and with appropriate information concerning offices responsible for liaison with NARS.


Arthur F. Sampson
Acting Administrator of General Services

FILING INSTRUCTIONS AND NOTES

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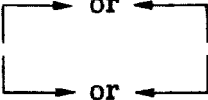
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(a) On each page appears the number and date (month and year) of the FPMR Amendment which transmitted it.

(b) Retention of FPMR Amendments and removed pages will provide a history of FPMR issuances and facilitate determining which regulations were in effect at particular times.

(c) Arrows printed in the margin of a page indicate material changed, deleted, or added by the FPMR Amendment cited at the bottom of that page. Where insertion of new material results in shifting of unchanged material on following pages, no arrows will appear on such pages but the FPMR Amendment transmitting such new pages will be cited at the bottom of each page.

 — Line on which change begins.
— Line on which change ends.

→ or ← — Line on which change both begins and ends.

→ or ← — Opposite a blank space, indicates deletion of a division of material (section, subsection, or paragraph).

(d) In the numbering system, all FPMR material is preceded by digit 101-. This simply means that it is Chapter 101 in Title 41 of the Code of Federal Regulations. It has no other significance. The digit(s) before the decimal point indicates the part; the digits after the decimal point indicate, without separation, the subpart and section, respectively, the latter always in two digits; and the digit(s) after the dash indicates the subsection. For example:

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**SUBPART 101-11.3 ORGANIZATION, MAINTENANCE,
AND USE OF CURRENT RECORDS**

101-11.306-4 (e)

to assure that the correct item is obtained for a given purpose.

§ 101-11.306-2 Records equipment and supplies defined.

Equipment and supplies include file cabinets, shelf files, visible files, mechanized files, file guides, folders, jackets, wallets, and similar items used in the creation and maintenance of records and in mail handling. A program for managing equipment and supplies may also cover desk-top office machines, dictating and recording equipment, and data recording equipment.

§ 101-11.306-3 Program requirements.

(a) Each Federal agency, in providing for effective controls over the creation of records, is expected to establish an appropriate program for the management of agency records equipment and supplies (§ 101-301-2). The program will:

(1) Establish and implement standards and procedures for:

(i) Standardization of records equipment and supplies used by the agency.

(ii) Submission, review, and approval of requests for the purchase of records equipment and supplies.

(iii) Proper utilization of presently owned records equipment.

(2) Review, on a continuing basis, the utilization of records equipment to ensure adequate and proper application.

(3) Provide for a continuing review of new developments in the field of records equipment and supplies and their possible application to agency records systems.

(b) Standards, guides, and instructions for managing records equipment and supplies are to be in published form, designed for easy reference and revision. They should be readily available to program officials responsible for operations using records equipment and supplies.

§ 101-11.306-4 Program implementation.

The following actions are generally basic to a records equipment and supplies management program:

(a) Minimize equipment and supplies needs by providing for prompt disposition of records. Reduce or eliminate the need for additional equipment by freeing equipment on hand for reuse.

(b) Use, to the maximum extent possible, standard items listed in GSA Stores Stock Catalog and Federal Supply Schedules. Prohibit the purchase of nonstandard items unless justification for exception is submitted and approved.

(c) Review requests for purchase of equipment and supplies to determine essentiality and usability.

(d) Review use of currently owned and rented equipment to determine that it is essential, suitable, properly utilized and maintained, and updated as required.

(e) Analyze record keeping procedures and techniques to determine if requirements for equipment and supplies are realistic and if requirements can be reduced or eliminated through improved or changed procedures or techniques.

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SUBPART 101-11.3a. DECLASSIFICATION OF AND
PUBLIC ACCESS TO NATIONAL
SECURITY INFORMATION

101-11.323 (a)

Subpart 101-11.3a—Declassification
of and Public Access to National
Security Information

§ 101-11.320 General provisions.

Declassification of and public access to national security information and materials is governed by Executive Order 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972), and by the National Security Council Directive of May 17, 1972 (37 F.R. 10053, May 19, 1972).

§ 101-11.321 Public requests for review of classified material.

Members of the public wishing to request review of classified material more than 10 years old in the custody of NARS under the mandatory review procedures of section 5 of Executive Order 11652 should identify the record or information desired and apply in writing to the appropriate NARS depository listed in 41 CFR 105-61.4801.

§ 101-11.322 Mandatory review procedures.

§ 101-11.322-1 Records 10 through 30 years old.

(a) *NARS action.* Within 3 workdays, NARS will forward each request for review of classified material to the originating Federal agency and will inform the requester to which office the request was forwarded.

(b) *Federal agency action.* Upon receipt of a request forwarded by NARS, the originating agency shall:

(1) Acknowledge receipt of the request in writing;

(2) Review the request and determine within 30 calendar days whether the material may be declassified; and

(3) Notify the requester and NARS of the determination made or of the reason why further time is necessary to make the determination. If the request is denied, the agency must also furnish the requester and NARS with a brief statement of the reasons the requested material cannot be declassified.

(c) *Action by requester.* (1) After the request is approved and the material is declassified, members of the public may use or order reproductions of the materials in accordance with 41 CFR 105-61, Records, Donated Historical Materials, and Facilities in the National Archives and Records Service.

(2) If the request is denied or no answer is received after 60 calendar days, the requester may appeal to the Departmental Committee of the originating agency as provided in section 7(B) of Executive Order 11652 and Part III of the National Security Council Directive. The Departmental Committee shall act on the appeal and reply to the requester and to NARS within 30 calendar days. The requester may further appeal a denial to the Interagency Classification Review Committee.

§ 101-11.322-2 Records more than 30 years old.

If the material requested has not been automatically declassified under section 5(E) of Executive Order 11652, NARS will review the material and either declassify it or request a determination by the head of the originating agency as to whether the material requires continued protection. In either case, NARS will reply to the requester within 30 calendar days. If the material is declassified, it will become available subject to the provisions of 41 CFR 105-61 or the regulations of the agency having custody. If declassification is denied, NARS will so notify the requester and inform him of his right to appeal to the Interagency Classification Review Committee.

§ 101-11.322-3 White House classified material.

Except when donor restrictions preclude granting access, NARS will review the material requested, consult with the agencies having primary subject-matter interest, determine whether the material may be declassified, and notify the requester within 30 calendar days. If the request is approved, the material will become available subject to the provisions of 41 CFR 105-61. If the request is denied, NARS will inform the requester of his right to appeal to the Interagency Classification Review Committee.

§ 101-11.323 Access to materials that remain classified.

(a) Any person desiring permission to examine such materials shall, sufficiently in advance, submit to the Archivist of the

PART 101-11 RECORDS MANAGEMENT

101-11.32 (c)

United States a completed application, a set of his fingerprints, and personal history data on forms that will be furnished. Applications will be referred by the Archivist to agencies having responsibility for the related programs. Records can be made available for examination only after each appropriate agency has authorized the Archivist of the United States to make them available.

(b) The requirement for submission of a fingerprint set or of personal history data may be waived for an applicant who has previously furnished those items.

(c) To guard against the possibility of unauthorized access to restricted records, a director may issue instructions supplementing the research room rules provided for in 41 CFR 105-61.103.

§ 101-11.324 Liaison.

To insure that NARS will be able to respond promptly to requests from the public, each Federal agency originating classified materials in the custody of NARS shall forward to the Deputy Archivist of the United States (Mailing address: General Services Administration (ND), Washington, D.C. 20408) the name, mailing address, and telephone number of the office responsible for handling mandatory review requests under Part III of the National Security Council Directive; the name, title, mailing address, and telephone number of the senior staff member who serves as chairman of the Departmental Committee under section 7(B)(2) of Executive Order 11652; and 18 copies of any regulations or other instructions implementing Executive Order 11652.

(NEXT PAGE IS 1115) ←